



AT/DPW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Clark R. Baker, Jr.

Serial No.: 10/796,584

Filed: March 8, 2004

For: Method and Apparatus for Optical
Detection of Mixed Venous and
Arterial Blood Pulsation in Tissue

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Confirmation No.: 1106

Group Art Unit: 3737

Examiner: Ramirez, John Fernando

Atty. Docket: TYHC:0149/FLE/POW
P0409R

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF TRANSMISSION OR MAILING
37 C.F.R. 1.8

I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office in accordance with 37 C.F.R. § 1.6(d), or is being transmitted via the Office electronic filing system in accordance with 37 C.F.R. § 1.6(a)(4), or is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:

September 22, 2010

Date

Kristi Tran-Chin

NOTICE OF APPEAL UNDER 37 C.F.R. § 41.31 FROM THE DECISION OF THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

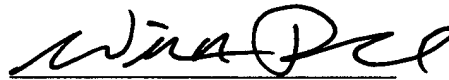
Appellants hereby appeal to the Board of Appeals and Interferences from the Non-Final Office Action mailed on July 9, 2010, within which the Examiner rejected claims 1-4, 6-16 and 18-22 of the above-referenced application. Appellants note that a fee of \$510.00 for a previous Notice of Appeal (filed October 22, 2007) has already been paid with respect to this application. Further, the previous appeal did not result in a final Board decision. Accordingly, Appellants respectfully note that the fee paid for the previous Notice of Appeal should be applied to the instant Notice of Appeal. As such, Appellants submit that \$30.00, (the difference from the current Notice of Appeal fee, which is \$540.00, and the previously paid fee of \$510.00 on October 22, 2007) is currently due for the instant Notice of Appeal. However, the Commissioner is authorized to charge any additional fees that may be required for this Notice of Appeal or to otherwise advance prosecution of the present application, to Deposit Account No. 06-1315; Order No. P0409R/FLE (TYHC:0149).

General Authorization for Extensions of Time

In accordance with 37 C.F.R. § 1.136, the undersigned hereby provides a general authorization to treat this and any future reply requiring an extension of time as incorporating a request therefor. Furthermore, the Commissioner is authorized to charge the appropriate fee for any extension of time to Deposit Account No. 06-1315; Order No. P0409R/FLE (TYHC:0149).

Respectfully submitted,

Date: September 22, 2010

A handwritten signature in dark ink, appearing to read 'W. Allen Powell', written over a horizontal line.

W. Allen Powell
Reg. No. 56,743
FLETCHER YODER
P.O. Box 692289
Houston, TX 77269-2289
(281) 970-4545